

02-891 CENTRAL LABORERS' PENSION FUND v. HEINZ

Ruling below: CA 7, 303 F.3d 802

QUESTION PRESENTED:

ERISA's "anti-cutback" rule, 29 U.S.C. § 1054(g), generally prohibits any pension plan amendment which has the effect of eliminating or reducing a participant's early retirement benefit or a retirement-type subsidy with respect to benefits attributable to service before the amendment. The Seventh Circuit, expressly acknowledging its direct conflict with a 1998 decision of the Fifth Circuit, held that a pension plan amendment which expands the types of post-retirement employment that trigger mandatory suspension of early retirement benefits violates the anti-cutback rule when applied to suspend the benefits of participants who retired before the amendment.

The question presented is whether a "suspension" of early retirement benefits pursuant to a multiemployer pension plan amendment is an "elimination" or a "reduction" of such benefits which would be prohibited by ERISA's anti-cutback rule.

CERT. GRANTED: 12/1/03